

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RANJITH SINGH,

Petitioner,

v.

WILLIAM P. BARR,
Attorney General of
the United States, *et al.*,

Respondents.

18-CV-794
DECISION AND ORDER

The pro se petitioner, Ranjith Singh, filed a petition for a writ of habeas corpus seeking release from his detention at the Buffalo Federal Detention Facility. Docket Item 1. On July 25, 2019, the respondents advised the Court that they had released Singh on an order of supervision. Docket Item 63.

“Under Article III of the Constitution, when a case becomes moot, the federal courts lack subject matter jurisdiction over the action.” *Leybinsky v. U.S. Immigration and Customs Enforcement*, 553 F. App’x 108, 109 (2d Cir. 2014) (summary order) (quoting *Doyle v. Midland Credit Mgmt., Inc.*, 722 F.3d 78, 80 (2d Cir. 2013)). “Under 28 U.S.C. § 2241, the habeas statute under which petitioner challenged his detention, [courts] retain jurisdiction so long as the petitioner is ‘in custody.’” *Pierrilus v. U.S. Immigration & Customs Enforcement*, 293 F. App’x 78, 79 (2d Cir. 2008). As Singh has been released from “ICE custody, the petition has been rendered moot divesting the Court of subject matter jurisdiction.” *Diop v. Sessions*, 2019 WL 1894387, at *2 (S.D.N.Y. Mar. 20, 2019). Accordingly, the petition is dismissed. If Singh disputes the

respondents' contention that he is no longer in custody, he shall so notify this Court, in writing, and the case shall be reopened.

SO ORDERED.

Dated: July 29, 2019
Buffalo, New York

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE